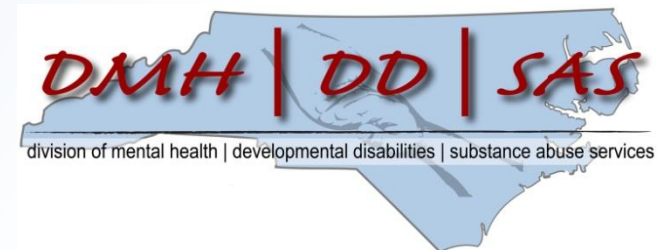


Funding for Former *Thomas S.* Class Members

**Joint Legislative Oversight Committee on
Mental Health, Developmental Disabilities, and
Substance Abuse Services**

October 14, 2009



History of the *Thomas S.* Lawsuit

- Lawsuit filed July 7, 1982
 - Suit alleged that state was not providing adequate services to individuals with mental retardation in state psychiatric hospitals. Originally only 1 plaintiff – Thomas S.
- In 1984 the Court declared the case inactive pending the State's provision of adequate services.
 - Plaintiff attorneys continue to pursue, identify four other plaintiffs, files as class action.
- November 21, 1988. Court rules for the Plaintiffs
 - State appeals. US Supreme Court refuses to hear appeal.
- January, 1991. Court appoints Special Master and Independent Evaluator
- January 24, 1998. Court finds State has met requirements. Injunction and Special Master removed, lawsuit over.



Requirements of the State

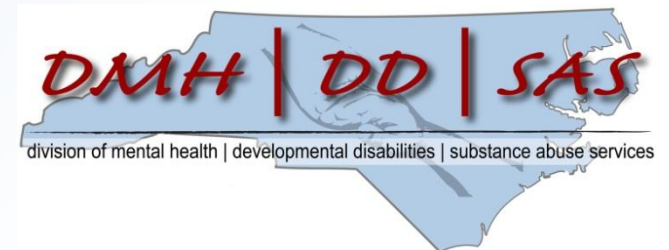
Continue to assure that class members and other consumers in similar circumstances are:

- Protected from harm and treated in safe conditions
- Have freedom from undue restraint
- Receive habilitation services designed to reduce aggression, self-abuse, or prolonged isolation from home and community
- Receive any treatment necessary to address injuries caused by prior inappropriate treatment



Criteria for Class Membership

- In order to be considered a *Thomas S.* class member, an individual had to be
 - Over age 18
 - Have been confined to a state psychiatric hospital at any time since March 22, 1984
 - Be mentally retarded – or have been treated as if he/she was mentally retarded



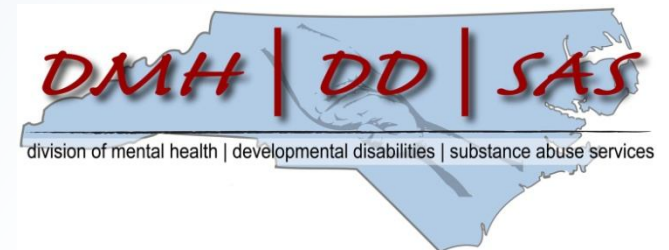
of Thomas S Class Members

- When the lawsuit ended, there were 1,349 confirmed *Thomas S.* class members
- In 2003 the State discontinued labeling *Thomas S.* consumers. At that time there were 1,139 individuals in the following categories:
 - 838 remaining confirmed class members
 - 182 who met class criteria & were receiving TS funding, but had not been confirmed prior to the end of the lawsuit
 - 119 who appeared to meet the criteria, had not been confirmed and were not funded.



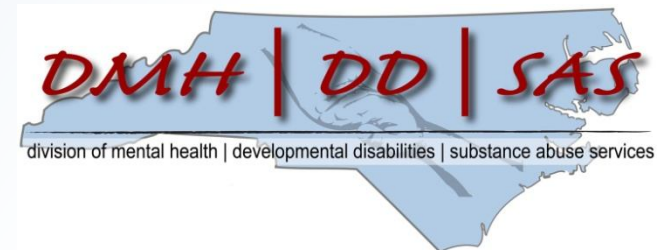
Location of Individuals

- The 1,139 people identified in 2003 currently live in every county of the state except three:
 - Stokes, Tyrell, and Washington Counties
- Over 25% live in 6 counties:
 - Wake - 61
 - Guilford - 51
 - Mecklenburg - 49
 - Burke - 47
 - Durham – 45
 - Alamance - 38



Type of Residence

- 657 people live in a MH/DD/SA licensed, non-ICF/MR, community residential placement – group home, apartment with roommate(s), etc.
- 233 live in their own home or with family
- 160 live in adult care homes
- 49 live in a state developmental center
- 37 live in a community ICR/MR
- 3 live in a state Neuro-Medical Treatment Center



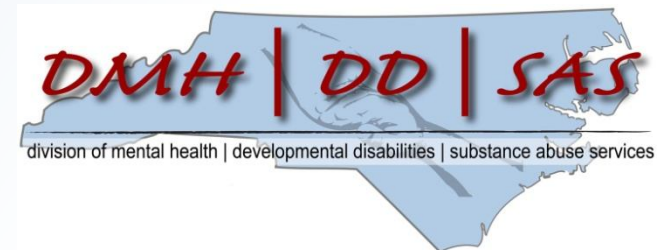
Funding Sources

- 1,047 of the 1,139 individuals received non-ICF/MR community funding in SFY 2009:
 - 173 received CAP-MR/DD funded services only: Total \$8,928,261, average = \$51,608/person
 - 418 received state-funded services only: Total \$13,499,759, average = \$32,296/person
 - 456 individuals received a combination of state-funded and CAP-MR/DD funded services: Total = \$38,467,854, average = \$84,359/person.
\$23,451,809 CAP-MR/DD, \$15,016,045 state



Types of Serviced Received

- The services that former *Thomas S.* class members receive are the same services received by the rest of the DD population:
 - residential supports,
 - guardianship,
 - employment support,
 - day activities,
 - habilitation,
 - personal care,
 - supplies



State-Funded Services with CAP-MR/DD

- The state-funded services received by former TS class members who were also on the CAP-MR/DD waiver in 2009 were also the same as those received by the rest of the dually-funded DD population:
 - guardianship,
 - personal care,
 - employment support,
 - residential support

